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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/980,355  | 07/25/2002  | Jean-Claude Basset   | SCP061792           | 1390             |
| <div>7590      12/26/2007</div> <div>Joseph S Tripoli<br/>Patent Operations<br/>Thomson Multimedia Licensing Inc<br/>P O Box 5312<br/>Princeton, NJ 08543-5312</div> <div>EXAMINER<br/>AUSTIN, SHELTON W</div> <div>ART UNIT      PAPER NUMBER<br/>2623</div> <div>MAIL DATE      DELIVERY MODE<br/>12/26/2007      PAPER</div> |             |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/980,355

**Applicant(s)**

BASSET, JEAN-CLAUDE

**Examiner**

Shelton Austin

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 10/12/2007 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 recites the limitation "the man/machine interface means" in line 3. There is insufficient antecedent basis for this limitation in the claim. For the remainder of the Office Action, "the man/machine interface" will be interpreted as "a man/machine interface."

5. Claim 12 recites the limitation “the graphics images” and “the Internet processing means” in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim. For the remainder of the Office Action, “the graphics images” and “the Internet processing means” will be interpreted as “graphics images” and “an Internet processing means.”

***Claim Rejections - 35 USC § 103***

6. Claims 1-3, 5-10 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib et al. (US 2005/0166257) in view of Killian (US 6,163,316).

Regarding claims 1, 16 and 17, Feinleib et al. (“Feinleib”) teaches a digital-television receiver/decoder device, corresponding method and software product embodied in a computer readable medium, of the type (Fig. 2) comprising:

an input interface suitable for receiving digital-television signals originating from a predetermined broadcast network and for delivering a digital stream of television signals (Fig. 2—24);

a demultiplexer/extractor module suitable for extracting, from the digital stream, digital sequences relating to a chosen television program (Fig. 2—64; paragraph 70);

a decoder module suitable for converting the digital sequences thus extracted into television signals compatible with a visual-display module (Fig. 2—66; paragraphs 59 and 61);

a module for recording and playing digital sequences of digital-television programs (Fig. 2—Program Memory 56);

a processing module (Fig. 2—56) suitable for receiving, from a software application received from another medium (paragraph 61—tuner is able to receive software programs; paragraph 64—a Web browser is a downloadable software application; paragraph 31—enhancement content, or “initialization and marking information”, can be constructed as a Web page, therefore it is “from a software application”, e.g. a Web browser), initialization and marking information (paragraph 37—“enhancement content” including announcements, triggers and data files relate to streaming video data ), as well as to the reception/extraction of the digital sequences relating to said television program (paragraphs 77-78), and for comparing said initialization and marking information with the television digital stream originating from the demultiplexer/extractor module, said processing module being suitable, moreover, in response to a positive comparison, for causing the recording of the initialization and marking information (paragraph 75—announcements are stored with titles or identities of the streaming content), in the record/replay module; and

an execution module suitable (Fig. 2—central processing unit 50), at the request of a user, for launching the playing of the digital sequences relating to said television program (Fig. 2—78; paragraph 75), in synchronism with the initialization and marking information (paragraph 77), wherein said execution module further comprises a supplementary processing module (Fig. 2—processor 52; paragraph 65) able to run the software application further containing said initialization and marking information (paragraphs 72-80—Web browser contains enhancement data in order to run the enhancement data in synchronism with the video), the software application being run in

synchronism and in interactive mode with the playing of the digital-television program thus recorded with the aid of said initialization and marking information (paragraphs 72-80—web browser runs in synchronism with the video).

Feinleib, however, fails to clearly teach the initialization and marking information relates at least to the start and to the end of a chosen television program and also comparing said initialization and marking information with the television digital stream originating from the demultiplexer/extractor module, said processing module being suitable, moreover, in response to a positive comparison, for causing the recording of the digital sequences relating to said chosen television program.

In analogous art, Killian teaches initialization and marking information relates at least to the start and to the end of a chosen television program (col. 17, lines 43-46—recording information) and also comparing said initialization and marking information with the television digital stream originating from the demultiplexer/extractor module, said processing module being suitable, moreover, in response to a positive comparison, for causing the recording of the digital sequences relating to said chosen television program (col. 17, lines 43-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feinleib to include in the initialization and marking information data relating at least to the start and to the end of a chosen television program and also comparing said initialization and marking information with the television digital stream originating from the demultiplexer/extractor module, said processing module being suitable, moreover, in response to a positive comparison, for

causing the recording of the digital sequences relating to said chosen television program, as taught by Killian, in order to more intelligently select, schedule and record viewing opportunities (Killian: col. 17, line 56-col. 18, line 2).

Regarding claims 2 and 18, Feinleib and Killian teach wherein the supplementary processing module consists of Internet processing means, intended to provide a link according to an Internet protocol IP (Feinleib: paragraph 13), suitable for cooperating with memory-storage means able to store an Internet browser serving for Internet browsing (Feinleib: program memory 56 comprises browser 72), and in that the receiver/decoder device further comprises a communications module (Feinleib: Fig. 2—68) able to communicate with a remote server (Fig. 1—22) according to the Internet protocol (Feinleib: paragraphs 13, 29 and 37).

Regarding claims 3 and 19, Feinleib and Killian teach wherein the communications module is able to download the software application originating from the remote server (Feinleib: Fig. 2—a Web browser 72 is a downloadable software application such as Microsoft's Internet Explorer or Mozilla Firefox).

Regarding claim 5, Feinleib and Killian teach wherein it comprises means suitable for receiving the software application with the digital-television stream (Feinleib: Fig. 2—68; paragraph 61).

Regarding claim 6, Feinleib and Killian teach wherein the execution module is suitable for launching the playing of the digital sequences relating to the chosen television program and the running of the software application on the same visual-display module (Feinleib: Fig. 5; paragraphs 75 and 90).

Regarding claim 7, Feinleib and Killian teach wherein it further comprises man/machine Interface means, the actuation of which allows the user to interact simultaneously and in synchronism in the playing of the recorded television program and in the running of the predetermined software application (Feinleib: Fig. 5; paragraphs 90-96).

Regarding claim 8, Feinleib and Killian teach wherein the Internet processing means are suitable for cooperating with the visual-display module as well as the man/machine interface means of the receiver/decoder device (Feinleib: paragraphs 65 and 90-96).

Regarding claim 9, Feinleib and Killian teach wherein the demultiplexer/extractor module is able to extract the initialization and marking information of the television program (Feinleib: paragraphs 13-14) and to send it to the Internet processing means so as, at the request of the user, to allow running of the predetermined software application in local mode and/or in cooperation with the remote server, in synchronism with the playing of the recorded television program (Feinleib: paragraphs 90-96).



Regarding claim 10, Feinleib and Killian teach wherein the Internet processing means are suitable, in cooperation with the processing means of the receiver/decoder, for driving the record/replay module (Feinleib: paragraph 65).

Regarding claim 12, Feinleib and Killian teach wherein it further comprises an image-composition module suitable for receiving the video images output by the decoder module as well as the graphics images output by the Internet processing means, so as to combine them according to a chosen image-composition mode (Feinleib: paragraphs 80-87 and 90).

Regarding claim 13, Feinleib and Killian teach wherein the image-composition mode is of overprint, multi-windowing, text, image-combining type (Feinleib: paragraphs 90-96).

Regarding claim 14, Feinleib and Killian teach wherein the image composition module comprises: a first memory suitable for containing the video images output by the decoder module; a second memory suitable for containing the graphics information output by the Internet processing means; a third memory suitable for containing an image-composition program (Feinleib: Fig. 2—Program Memory 56 is suitable for containing video images, graphics information and an image-composition program); image-processing means suitable for extracting the chosen information from the first

and second memories depending on the composition program (Feinleib: paragraphs 13-14), so as to produce the composite images; and a module for synchronization of the visual-display module, so as to synchronize the composition of images output by the two memories (Feinleib: paragraphs 77-80).

Regarding claim 15, Feinleib and Killian teach an interface of serial type and/or an interface of high-throughput link type so as to connect peripheral equipment of the printer, video/camera system, audio suite or video peripheral type (Feinleib: Fig. 2—58, 60 and 62).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib in view of Killian, as applied to claim 1 above, and further in view of Wistendahl et al. (US 6,496,981).

Regarding claim 4, Feinleib and Killian fail to clearly teach wherein it [the receiver/decoder device] comprises a media player able to read a data medium containing the software application.

Wistendahl teaches a receiver/decoder device comprises a media player able to read a data medium containing the software application a stream of digital data (col. 39, lines 39-59—interactive media content is read and played by a media player).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feinleib and Killian by having a media player able to read a data medium containing the software application, as taught by

Wistendahal, in order for the media content to be run on any digital media player  
(Wistendahl: col. 39, lines 39-59).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib in view of Killian, as applied to claims 1, 2 and 10 above, and further in view of Ellis et al. (US 6,665,869).

Regarding claim 11, Feinleib and Killian fail to clearly teach wherein the Internet processing means are suitable for delivering, to the record/replay module, commands of the stop, pause, pause start, start, slow, fast forward, rewind, jump forward, jump back, type.

In analogous art, Ellis et al. ("Ellis") teaches a set-top box (processing means) that controls recording and other features of a program using an infrared transmitter and receiver. The commands are given through a remote control, keyboard, mouse, touch-pad and other various devices (Fig. 1—34; Fig. 2—30a, 30b, 30c; col. 4, lines 46-51; col. 4, line 66—col. 5, line 12; col. 5, lines 25-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Feinleib and Killian to include a controlling device used to deliver commands to the recording device, as taught by Ellis, in order to control a set-top box, a videocassette recorder and a television (Ellis: col. 4, lines 51-53).

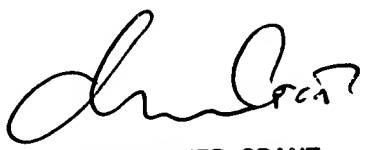
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 8:00-5:30. The examiner can also be reached on Fridays from 9:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, whose telephone number is (571) 272-7294, can be reached on Monday through Friday from 7:30-5:00. The supervisor can also be reached on alternate Fridays from 9:00-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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